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UNITED STATES DISTRICT COURT

FILED

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

ROBERT ALAN THOMAS,  
dba Amateur Action, Amateur Action BBS, and AABBS

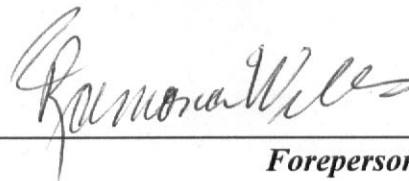
INDICTMENT

**COUNTS ONE, TWO, AND THREE:** Title 18 United States Code, Sections 1461 - Mailing Obscene Matter.

**COUNT FOUR:** Title 18, United States Code, Section 1466 -Engaging in Business of Selling or Transferring Obscene Matter

**COUNT FIVE:** Title 18, United States Code, Sections 1467(a)(1) & (a)(2) & (a)(3) - Criminal Forfeiture

A true bill.

  
Foreperson

Filed in open court this 23 day of July

A.D. 2008

  
UNITED STATES MAGISTRATE JUDGE

Bail. \$ 10 bail arrest warrant

BRENT D. WARD  
Director, Obscenity Prosecution Task Force  
U.S. Department of Justice

FILED

2008 JUL 24 2 8:13

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ALAN THOMAS,  
dba Amateur Action, Amateur Action  
BBS, and AABBS,

Defendant.

CR No. 08 00487

VIOLATIONS: 18 U.S.C. § 1461 – Mailing  
Obscene Matter; 18 U.S.C. §1466–Engaging  
in the Business of Selling or Transferring  
Obscene Matter; 18 U.S.C. §§ 1467(a)(1) &  
(a)(2) &(a)(3) – Criminal Forfeiture

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1461 – Mailing Obscene Matter)

On or about December 12, 2006, in the Northern District of California, the defendant,

ROBERT ALAN THOMAS,  
dba Amateur Action, Amateur Action BBS, and AABBS,

did knowingly use, and cause to be used, the United States mails to mail and deliver to a location  
in Washington, D.C., a DVD containing obscene matter, that is, a motion-picture film identified  
as “B1,” depicting bestiality and other sexually explicit content and approximately 52 minutes  
and 49 seconds in length, in violation of Title 18 United States Code, Section 1461.

INDICTMENT



1 COUNT TWO: (18 U.S.C. § 1461 – Mailing Obscene Matter)

2 On or about December 12, 2006, in the Northern District of California, the defendant,

3 ROBERT ALAN THOMAS,  
4 dba Amateur Action, Amateur Action BBS, and AABBS,

5 did knowingly use, and cause to be used, the United States mails to mail and deliver to a location  
6 in Washington, D.C., a DVD containing obscene matter, that is, a motion-picture film identified  
7 as “B2- Ride a Horse,” depicting bestiality and approximately 41 minutes and 31 seconds in  
8 length, in violation of Title 18 United States Code, Section 1461.

9  
10 COUNT THREE: (18 U.S.C. § 1461 – Mailing Obscene Matter)

11 On or about December 12, 2006, in the Northern District of California, the defendant,

12 ROBERT ALAN THOMAS,  
13 dba Amateur Action, Amateur Action BBS, and AABBS,

14 did knowingly use, and cause to be used, the United States mails to mail and deliver to a location  
15 in Washington, D.C., a DVD containing obscene matter, that is, a motion-picture film identified  
16 as “B3,” depicting bestiality and approximately 41 minutes and 35 seconds in length, in violation  
17 of Title 18 United States Code, Section 1461.

18  
19 COUNT FOUR: (18 U.S.C. § 1466 - Engaging in the Business of Selling or Transferring  
20 Obscene Matter)

21 On or about December 12, 2006, in the Northern District of California, the Defendant,

22 ROBERT ALAN THOMAS,  
23 dba Amateur Action, Amateur Action BBS, and AABBS,

24 while engaged in the business of selling and transferring obscene matter, did knowingly possess  
25 with the intent to distribute obscene matter, that is, movie titles “B1,” “B2-Ride a Horse,” and  
26 “B3,” which materials had been shipped and transferred in interstate commerce, in violation of  
27 Title 18, United States Code, section 1466.

28 //

1 FORFEITURE ALLEGATION: (18 U.S.C. §§ 1467(a)(1) & (a)(2) & (a)(3) – Criminal  
2 Forfeiture)

3 The allegations contained in Counts One through Four of this Indictment are hereby  
4 realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture  
5 pursuant to Title 18, United States Code, Section 1467.

6 Upon conviction of the offenses alleged in Counts One through Four above, or any of  
7 them, the defendant,

8 ROBERT ALAN THOMAS,  
9 dba Amateur Action, Amateur Action BBS, and AABBS,

10 (1) shall forfeit to the United States, pursuant to Title 18, United States Code, Sections  
11 1467, any and all right, title and interest he has in any obscene material produced, transported,  
12 mailed, shipped or received in violation of this chapter; any property, real or personal,  
13 constituting or traceable to gross profits or other proceeds obtained from such offense; and any  
14 property, real or personal, used or intended to be used to commit or to promote the commission  
15 of such offense, including but not limited to the following parcel of real property: real property  
16 and improvements located at 475 Tramway Drive, Milpitas, California 95035, further identified  
17 with APN 028-15-038.

18 (2) If any of the property described above, as a result of any act or omission of the  
19 defendant:

- 20 a. cannot be located upon the exercise of due diligence;
- 21 b. has been transferred or sold to, or deposited with, a third party;
- 22 c. has been substantially diminished in value; or
- 23 d. has been placed beyond the jurisdiction of the court;
- 24 e. has been commingled with other property which cannot be divided without

25 difficulty,

26 //

27 //

28 //

1 the United States of America shall be entitled to forfeiture or substitute property under the  
2 provisions of Title 21, U.S.C., Section 853 (p), as incorporated by Title 18 U.S.C., Section 1467.

3 DATED: 7/23/08

4 A TRUE BILL

5   
6 FOREPERSON

7 BRENT WARD  
8 Director, Obscenity Prosecution Task Force  
9 U.S. Department of Justice

10   
11 MATTHEW J. BUZZELLI  
12 Trial Lawyer, Obscenity Prosecution Task Force



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 Counts One, Two, and Three, 18 U.S.C. § 1461  
 - Mailing Obscene Matter  
 Count Four, 18 U.S.C. § 1466 - Engaging in the  
 Business of Selling or Transferring  
 Obscene Matter

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony
**PENALTY:**
 Counts 1-3: 10 year maximum imprisonment, \$250,000 fine,  
 3 year TSR, \$100 SAF; Count 4: 5 years imprisonment, \$250,000  
 fine, 3 year TSR, \$100 SAF
**PROCEEDING**
 Name of Complainant Agency, or Person (& Title, if any)  
 Special Agent Shawn Matthews, FBI

☐ person is awaiting trial in another Federal or State  
 Court, give name of court

☐ this person/proceeding is transferred from another  
 district per (circle one) FRCrP 20, 21 or 40. Show  
 District

☐ this is a re prosecution of  
 charges previously dismissed  
 which were dismissed on  
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a  
 pending case involving this same  
 defendant

☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding  
 this defendant were recorded under

 SHOW  
 DOCKET NO.

 MAGISTRATE  
 CASE NO.

 Name and Office of Person  
 Furnishing Information on  
 THIS FORM
**BRENT D. WARD**
☐ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

MATTHEW J. BUZZELLI

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA
**FILED****DEFENDANT - U.S.**
 2008 JUL 24 2 13  
 ROBERT ALAN THOMAS, dba Amateur Action

 DISTRICT COURT NUMBER  
 RICHARD W. WIEKING  
 CLERK  
 U.S. DISTRICT COURT  
 NO. DIST. OF CA. S.J.
**CR-08 00487****DEFENDANT****IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons  
 was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
**IS IN CUSTODY**
 4) ☐ On this charge

 5) ☐ On another conviction

 6) ☐ Awaiting trial on other  
 charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed? ☐ Yes ☐ No

 If "Yes"  
 give date  
 filed

**DATE OF  
 ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
 TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\*

☒ WARRANT Bail Amount: \$50,000

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \*Where defendant previously apprehended on complaint, no new summons  
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: